

**HYDE PARK TOWN DEVELOPMENT REVIEW BOARD
MEETING MINUTES
February 5, 2019**

All minutes are draft until approved; please check future minutes for approval of these minutes.

Members Present: Malcolm Teale, Chair; Craig Fowler Melvin Harvey; Pete Sweeney (by phone) and Jim Fontaine
Members Absent: Tom Wawrzeniak; one vacancy
Staff: Ron Rodjenski, Zoning Administrator
Guests: Bev Potter; Fred Prevost; Gladys Cubit; Cinda Brown; Fred Prevost; Frederick Iannotti; Heather Sartwell; Shane Earle; GMATV did not videotape this meeting.

Mac called the meeting to order at 7:00 p.m.

1. **Welcome, Public Comment & Agenda Changes:** No public comment & no agenda changes.
2. **PUBLIC HEARINGS:** Three hearings are warned with Pete Sweeney participating by phone.
3. Application #2019-01 submitted by **Gladys “Dolly” Cubit** for a 2-lot residential subdivision of 140 acres at 1426 VT100 (Parcel ID #16-100-060). Applicant has requested a waiver of preliminary hearing, making this first hearing the final hearing, and a waiver of development requirements for the new parcel, Lot 6, which will be agricultural and forestry acreage only and not approved for land development. The remaining land, Lot 1, is developed with a camp and consists of approximately 80 acres. An extension of an existing 100-foot wide easement from VT100 will be created to provide access to Lots 1, 2, 3 and 6. The project is in the Rural Residential 2 Zoning District. The application will be heard under the 2018 Town Land Use and Development Regulations.

Mac opened the public hearing at 7:00 p.m., read the public notice. The Board reviewed the project with Cinda Brown, agent for Gladys Cubit. Cinda testified that no immediate land development is proposed so this application is only creating Lot 6 with no land development proposed on Lot 6 other than the new 100-foot ROW, or on the remaining lands (Lot 1). Lot 1 is developed with a camp and driveway. Jim Fontaine noted that the contour map provided by the surveyor showed some steep slopes and he asked if the 8% grade would be met within the proposed 100-foot ROW to Lot 1, and Cinda said yes. Cinda clarified that the new Lot 6 is accessed by a 100-foot strip of land from VT 100. Ron Rodjenski noted that the public notice was not completed and Cinda will be posting the property, and Ron would send notice to neighbors, if the DRB continues the hearing. Cinda noted that she is currently working with the VT Agency of Transportation on the 1111 permit for the project.

Motion by Craig to close the hearing and move into deliberative session. Seconded by Pete. Voting: 4 in favor, 0 against, motion passed. Discussion on correcting the recent motion and instead of closing the hearing, continue the public hearing to provide for posting of property and more information on the state highway access permit. Motion by Melvin to rescind the prior vote to close and instead continue the hearing to Feb 26th at 7:00 p.m. at the town office. Seconded by Jim. Voting: 5 in favor, 0 against, motion passed.

4. Application #2019-03 submitted by **Fred and Autumn Prevost** (Parcel 04-035-001.002) for a conditional use and site plan review to expand an existing non-conforming auto repair shop on their home parcel with a 12' x 16' addition for equipment storage. Applicant also requests property line setback waivers for the proposed addition. The request comes under Section 8.14(e), Non-conforming Uses. The property is in the RR2 Zoning District at 37 Whitcomb Island. The application will be heard under the 2018 Town Land Use and Development Regulations.

Mac opened the public hearing at 7:06 p.m. and read the public notice. Applicant and landowner Fred Prevost explained that he wanted to add a small addition to the auto shop for storage. Fred noted that the back half of the garage is about 7-feet from the property line which was agreeable to Nancy Pope when the garage was built. Jim asked if he was squaring off the back of the building and Fred agreed. Fred noted that the fence is less than 8' in some sections so he would like that recognized in the new decision with the fence on 2-foot berm to get to 8-feet. Motion by Melvin to move into deliberations, seconded by Craig. Voting: 5 in favor, 0 against, motion passed.

5. Application #2019-02 submitted by **Shelby Nolan** to seek approval for a Home Business at 45 Mason Road (Parcel 04-055-015.1) under Section 7.8 Home Business. Applicant also requests property line setback waivers. The property is in the RR2 Zoning District at 201 Mason Road. The application will be heard under the 2018 Town Land Use and Development Regulations.

Mac opened the public hearing at 7:14 p.m., read the public notice. Shelby reviewed the project to operate a welding business in the garage that is in the northwesterly corner of the parcel. Jim asked about covenants that would prohibit a business. Bev Potter, representing two properties; her home site at 145 Mason Road and the vacant BP Real Estate Invest LLC adjoining the project parcel, stated that she is opposed to the project because the covenants prohibit the proposed business use on Mason Road. Bev noted that noise from the activity is an issue, along with the covenants, and she provided a copy of the Act 250 permit to the DRB. Ron stated that he was not sure what was prohibited, and the Town usually does not get involved with enforcing covenants. Bev reported that the business has been in operation for over two years according to her review of website postings by Shane Earle, the co-applicant to this permit. Bev reported that other businesses are operating on the property in addition to the welding shop per the website information she has found. Bev provided paper copies of website images to the DRB. Bev noted that the existing building was permitted for residential use only with heavy equipment stored on the property and coming to and from the property via Mason Road. Bev noted that the Act 250 permit was issued with a requirement to follow the covenants. Bev read the covenants that restricted the use of businesses, except professional offices like lawyers and accountants, if those uses are secondary to the use of the parcel as a residence. Bev noted that on page 4 of the covenants, there is prohibition that there be no loud noises or activities that otherwise create a nuisance. Bev stated that noise last summer was too much and was like constant construction with metal noises, air hammers, welding and she thought the firewood business was contributing to the noise with other buildings being built on the property and the heavy equipment traveling along Mason Road. Bev noted that his website says he builds things and then delivers them using the road and adding business traffic to Mason Road, changing the character of the neighborhood. Shelby stated that the process for a permit has been in progress for a couple of years and the residential garage was a way to repurpose it for business use. Shelby noted that the business has been successful and most of it could be done inside, especially with a larger structure. A lot of the construction noise was for working on their private residential properties. Fred Iannotti stated that as a neighbor to the south he was concerned about the project and submitted a 5-page letter, dated February 5, 2019, with attachments: State Land Use Permit #5L1032 (1st page), EC-5-1877 (1st page), Land Use Permit #5L1032-1 and the Declaration of Covenants (6 pages). Fred Iannotti stated that the business use is not allowed by the Covenants and the DRB is responsible for enforcing the covenants since it is part of the state permit conditions. Bev Potter submitted a list of her concerns pointing out that it was always their intention to build a shop although the prior zoning permit was for a residential garage. Bev asked about the electrical lines that are run to the garage and Shelby stated that was the most cost-effective way to get power to the structure. Fred Iannotti stated that the noise is reducing the value of his residential property and no commercial or industrial uses should be allowed. Motion by Jim to move into deliberations, seconded by Melvin. Voting: 5 in favor, 0 against, motion passed.

6. **Minutes:** Motion by Melvin to approve the April 10, 2018, May 8, 2018 and June 27, 2018 as written. Seconded Craig. Voting: 5 in favor, 0 against, motion passed.
7. **Adjourn:** Motion by Melvin to adjourn, seconded by Pete, meeting adjourned at 8:18 p.m.

Submitted by Ron Rodjenski